

Message

From: Paul Hlavinka -MDE- [paul.hlavinka@maryland.gov]
Sent: 10/23/2020 3:49:04 PM
To: Ottinger, Elizabeth [Ottinger.Elizabeth@epa.gov]
CC: Casey Leach -MDE- [casey.leach@maryland.gov]
Subject: You asked this question Regarding Sector AD

This didn't look like a permit question so much as a process question.

Sector AD is a provision that originates in 40CFR, which allows the permit authority to determine that a site requires coverage regardless of the SIC code. They are then eligible only when notified. That is a site by site designation.

Question: Does MDE periodically check whether additional facilities require this coverage so that they can be notified?

The primary identification for Sector AD sites is based on inspections where a facility (such as a portapotty or auto body shop) which isn't required strictly based on their SIC code to have coverage. It is during the inspection that the Department finds that this facility will impact waters without the controls provided by the permit. This is not often used, but is a tool EPA and MDE can use.

The specific categories created by MDE for the Department of Public works (DPW), for example, are not categorically required to have permit coverage, but historically had coverage requirements in Maryland. It was convenient to lay out their requirements in the permit as a grouping. We were challenged in our 12SW by a county that we cannot categorically require all DPW to have coverage, thus the requirement for the Department to notify under Sector AD. We have worked with the counties to have them self identify and work with MDE to make a determination on which require coverage, and this has worked fairly well at several levels. EPA Region 3 had highlighted this in training with the MS4s in the past 5 years as a good thing with the agreement of many of those attending.

I would be willing to discuss more if this doesn't answer the question.

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